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Carr-Hall, Colin

December 12, 2008

Chicago, IL

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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In re: PHARMACEUTICAL) MDL NO. 1456
INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
PRICE LITIGATION) 01-CV-12257-PBS
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THIS DOCUMENT RELATES TO:) Judge Patti B. Saris
United States of America,)
ex rel. Ven-A-Care of the) Magistrate Judge
Florida Keys, Inc., v.) Marianne B. Bowler
Boehringer Ingelheim Corp.,)
et al., Civil Action No.)
07-10248-PBS)
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Videotaped Deposition of COLIN CARR-HALL,
at 219 South Dearborn Street, Chicago,
Illinois, commencing at 9:08 a.m. on Friday,
December 12, 2008, before Donna M. Kazaitis,
RPR, CSR No. 084-003145.

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20 (Pages 74 to 77)

<p style="text-align: right;">74</p> <p>1 think it means different things to different 2 people. I can give you what I think it means. 3 Q. Well, could you give me what it means 4 at Roxane? 5 A. Yeah. 6 Again, in my interpretation of a 7 branded generic is that it could be either an 8 older brand with generic competitors that it 9 competes with, it could be that because it's not 10 called "hydromorphone" and it's got a name that 11 it has some name recognition amongst a field with 12 a lot of generic competitors. 13 As far as the technical aspects as to 14 how it becomes categorized as a branded generic, 15 I couldn't tell you. 16 Q. Of the drugs we've talked about that 17 are at issue in this case and which were in your 18 product line, which of those were branded 19 generics? 20 A. I would say Roxanol, Roxicodone, were 21 products where they've got a Roxane brand name 22 attached to them and they had recognition that it</p>	<p style="text-align: right;">76</p> <p>1 Do you know if Roxanol had an ANDA? 2 A. I don't know that. 3 Q. To the best of your recollection, 4 Roxanol was though something considered a branded 5 generic at Roxane; is that right? 6 A. Yes, I believe so. 7 Q. What do you recall about Roxicodone? 8 A. I look at Roxicodone, you know, similar 9 to Roxanol, that it's got that Roxane name, but I 10 recall there weren't generic competitors. 11 Again, I'm not certain if there were 12 generic competitors for Roxicodone. 13 Q. And Hydromorphone was also considered a 14 branded generic at Roxane; is that right? 15 A. I'm not aware that Hydromorphone was 16 considered a branded generic at Roxane. 17 Q. I thought you had testified -- 18 A. Hydromorphone was more of a chemical 19 name. 20 Q. Oh, I'm sorry. Was there another name 21 for Hydromorphone at Roxane? 22 A. I don't know of one.</p>
<p style="text-align: right;">75</p> <p>1 was not just the generic entity but it had a 2 brand name. 3 Q. But under the FDA's classification of 4 generic drugs, would Hydromorphone, Roxanol, and 5 Roxicodone be considered generic drugs? 6 A. I couldn't tell you that. I'm not 7 familiar with the actual classification. 8 Q. Well, was Roxanol a drug that Roxane 9 had developed as the first entrant in a market? 10 A. Roxanol was a drug that Roxane had 11 developed. 12 Whether it was the first entrant or 13 were there other generics in the market prior to 14 that, I don't know. 15 Q. Was Roxanol a generic drug though? 16 A. Roxanol, again, my understanding, 17 Roxanol competed on price generically, but it did 18 have the recognition of the name Roxanol. I mean 19 that's my understanding. 20 Q. Well, you mentioned before in 21 connection with generic drugs an ANDA, an 22 abbreviated new drug application.</p>	<p style="text-align: right;">77</p> <p>1 Q. Okay. That was in your product line; 2 right? 3 A. I believe so. Hydromorphone was in our 4 product line. 5 Q. Okay. What did you call it when you 6 sold it? 7 A. I believe I called it Hydromorphone. 8 Q. Do you think that was a branded 9 generic? 10 A. I think that I competed generically 11 with Hydromorphone. 12 I cannot recall that recognition that 13 you get with Roxanol and Roxicodone with 14 Hydromorphone. 15 Q. So the difference in your mind is that 16 Hydromorphone is the chemical name, it's not sort 17 of a name that a marketing person might have come 18 up with? 19 A. Yeah. In my mind that's how I look at 20 it. 21 Q. What about Oramorph, was that a branded 22 generic?</p>

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